THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.8696 OF 1994

Date: 10.02.2006

Between:

J.B. Ravindranath, S/o Sri J.C. Balappa, aged: 37 years, r/o Kodiginahalli, Anantapur District.

… Petitioner

and

1. A.P. Residential Educational Institutions Society rep.,by its Secretary, Kandhara Complex, Abids, Hyderabad – 1.

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ORDER:

The grievance of the petitioner in this writ petition is that he is placed below the 2nd respondent in the seniority list of Junior Lecturers though he was senior to him as a Post Graduate Teacher in Science.

2. Brief facts, to the extent necessary, are that the petitioner was appointed as a Trained Graduate Teacher in Mathematics on 05.01.1984. He was promoted as a Post Graduate Teacher on 20.06.1986. He was further promoted as Junior

Lecturer in Physics on 22.07.1989. The 2nd respondent was appointed as a Post Graduate Teacher in Science on 08.10.1987 and was promoted as a Junior Lecturer in Physics on 06.09.1988.

3. The 1st respondent communicated a provisional seniority list on 07.11.1990 wherein the petitioner was shown at serial No. 37, whereas the 2nd respondent was shown at serial No. 27. The petitioner is said to have filed his objections to the provisional seniority list on 14.11.1990 despite which the 1st respondent confirmed the provisional seniority list as the final seniority list vide proceedings dated 18.04.1991.

4. Sri D.V.Sitharamamurthy, learned Counsel for the petitioner, would submit that since the petitioner is senior to the 2nd respondent as a Post Graduate Teacher in Science, he ought to have been promoted as Junior Lecturer in Physics prior to the 2nd respondent and since the petitioner was not aware of the fact that the 2nd respondent was promoted till much later, he could not challenge the said appointment earlier. Learned Counsel would contend that, since the petitioner has also been subsequently promoted as Junior Lecturer in Physics on 02.07.1989, his grievance is limited to his being shown below the 2nd respondent in the seniority list of Junior Lecturers.

5. Though notice was served on the 2nd respondent he has chosen not to appear before this Court. Sri Moola Vijaya Bhaskar, learned Standing Counsel for the 1st respondent, would rely on the judgment of this Court in W.P.No. 12517 of 1991 dated 11.11.1999 wherein the very same provisional seniority list dated 07.11.1990 was set aside and the anomaly committee was directed to examine all disputes relating to *inter se* seniority.

6. While there is undoubtedly merit in the submission of Sri D.V. Sitaramamurthy, learned Counsel for the petitioner, that the petitioner was senior to the 2nd respondent as PGT science, it cannot also be ignored that the 2nd respondent was appointed as Junior Lecturer prior to the petitioner. The question, whether the 2nd respondent was arbitrarily appointed as a Junior Lecturer without following a rational procedure, cannot be examined in this writ petition filed six years after the appointment was made. In the absence of a

counter-affidavit being filed, on behalf of the respondents, the basis on which the 2nd respondent was appointed as Junior Lecturer, despite the fact that the petitioner was senior to him as a Post Graduate Teacher in Science, is not known.

7. Be that as it may, this question does not call for any further examination in view of the fact that the anomaly committee is now examining the various discrepancies in the provisional seniority list dated 07.11.1990.

8. Sri Moola Vijaya Bhaskar, learned Standing Counsel for the 1st respondent, would submit that in case the petitioner submits a detailed representation, the anomaly committee would examine the discrepancies and take necessary action in this regard. Recording the submissions of the learned Standing Counsel, the writ petition is disposed of with a direction that in case the petitioner submits a detailed representation to the anomaly committee within one week from today, in case no representation has already been submitted, the anomaly committee shall consider the discrepancies pointed out by the petitioner in the seniority list and take necessary action in accordance with law.

9. The Writ Petition is disposed of accordingly. There shall however be no order as to costs.

Date: 10.02.2006

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RAMESH RANGANTHAN, J

MRKR